THE BOMBAY CINEMAS (REGULATION) ACT, 1953.

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BOMBAY ACT No. XI OF 1953.[1]

[THE BOMBAY CINEMAS (REGULATION) ACT, 1953.]

[*17th April 1953*]

Amended by Bom. 38 of 1955.

An Act to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay.

WHEREAS it is expedient to provide for regulating exhibitions by means of cinematographs and the licensing of places in which cinematograph films are exhibited in the State of Bombay ; It is hereby enacted as follows :—

Short title, extent and commencement.

1. (*1*) This Act may be called the Bombay Cinemas (Regulation) Act, 1953.

(*2*) It extends to the whole of the State of Bombay.

(*3*) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(*a*) " cinematograph " includes any apparatus for the representation of moving pictures or series of pictures ;

(*b*) " licensing authority " means the authority empowered to grant licences under section 4 ;

(*c*) " place " includes a house, building, tent and any description of transport, whether by sea, land or air ;

(*d*) " prescribed " means prescribed by rules made under this Act.

Cinematograph exhibitions to be licensed.

3. Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with any conditions and restrictions imposed by such licence.

Licensing authority.

4. The authority having power to grant licences under this Act, shall be—

(*i*) in Greater Bombay, the Commissioner of Police, Greater Bombay ;

(*ii*) in other areas for which a Commissioner of Police is appointed under section 7 of the Bombay Police Act, 1951, such Commissioner ; and

Bom. XXII of 1951.

(*iii*) elsewhere, the District Magistrate :

Provided that the State Government may, by notification in the *Official Gazette*, constitute for the whole or any part of the State such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

Restrictions on powers of licensing authority.

5. (*1*) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

(*a*) the rules made under this Act have been substantially complied with, and

(*b*) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibition therein.

[1]For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1952, Part V, page 225.

(2) Subject to the provisions of sub-section (1), the licensing authority may, with the previous sanction of the State Government, grant licences under this Act to such persons as that authority thinks fit and on such terms and conditions and subject to such restrictions as may be prescribed.

(3) The State Government may, from time to time, issue directions to licensees generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited, and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Power of State Government or licensing authority to suspend exhibition of films in certain cases.

6. (1) The State Government in respect of the whole of the State or any part thereof or the licensing authority in respect of the area within its jurisdiction, may, if it is of opinion that any film which is being publicly exhibited is likely to cause a breach of public order, by order, suspend the exhibition of the film and during such suspension such film shall be deemed to be an uncertified film in the State, part or area, as the case may be.

(2) When an order under sub-section (1) has been issued by the licensing authority a copy thereof together with a statement of reasons therefor, shall forthwith be forwarded by the licensing authority to the State Government and the State Government may either confirm or annul the order.

(3) An order made under sub-section (1) shall, unless it is annulled by the State Government under sub-section (2), remain in force for a period of two months from the date thereof but the State Government may, if it is of opinion that the order should continue in force, extend the period of suspension from time to time for such further period as it thinks fit.

Penalties for contravention of Act.

7. If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used, in contravention of the provisions of this Act or of the rules made thereunder, or of the conditions and restrictions upon or subject to which any licence has been granted under this Act [1][or if the owner or person in charge of a cinematograph contravenes any of the conditions or restrictions imposed by an order of exemption made under section 10], he shall, on conviction, be punished with fine which may extend to one thousand rupees and in the case of a continuing offence with a further fine which may extend to one hundred rupees for each day during which the offence continues after conviction for the first such offence.

Power to revoke or suspend licence.

8. In the event of any contravention by the holder of a licence of any of the provisions of this Act or the rules made thereunder or of any of the conditions or restrictions upon or subject to which the licence has been granted to him under this Act [2][or of any of the conditions or restrictions imposed by an order of exemption made under section 10], or in the event of his conviction of an offence under section 7 of this Act or section 7 of the Cinematograph Act, 1952, the licensing authority may revoke the licence or suspend it for such period as it may think fit. XXXVI of 1952.

Power to make rules.

9. (1) The State Government may, by notification in the *Official Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

[1] These words and figures were inserted by Bom. 38 of 1955, s. 2.
[2] These words and figures were inserted, *ibid.*, s. 3.

(*2*) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) prescribing the procedure in accordance with which a licence may be obtained and the terms, conditions and restrictions, if any, subject to which licences may be granted under this Act ;

(*b*) providing for the regulation of cinematograph exhibitions for securing the public safety ;

(*c*) regulating the means of entrance and exit at places licensed under this Act ; and providing for prevention of disturbance thereat ;

(*d*) regulating or prohibiting the sale of any ticket or pass for admission by whatever name called to a place licensed under this Act.

[1][(*3*) In making rules under this section the State Government may provide that any person failing to comply with or contravening the provisions of any rule shall, on conviction, be punished with fine which may extend to one thousand rupees.

(*4*) The power to make rules under this section shall be subject to the condition of previous publication.]

Power to exempt.

10. The State Government may, by order in writing, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of cinematograph exhibitions from any of the provisions of this Act or of any rules made thereunder.

Repeal of Act II of 1918.

11. The Cinematograph Act, 1918, in its application to the State of Bombay and in so far as it relates to the regulation of exhibition by means of cinematograph (including licensing of places in which cinematograph films are exhibited), is hereby repealed.

II of 1918.

[1] These sub-sections were added by Bom. 38 of 1955, s. 4.